

From: Corey Minyard
To: Microsoft ATR
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

I'm writing because of my concern about the current Microsoft settlement. I'm concerned that the settlement does nothing to solve the problem and actually makes the problem worse. It does nothing to solve the root of the problem, instead it gives minor financial penalties, vague requirements that Microsoft could use to their advantage, and actually gives Microsoft the capability to crush its strongest competitors.

Microsofts current strongest competitor is open source, from software like Apache, Linux, and Samba. Microsoft has called Linux its "#1 enemy". Yet the Proposed Final Judgement (PFJ) ignores the very existance of open source software and gives Microsoft tools to effectively eliminate open source competitors by not allowing disclosure of APIs, protocols, and file format to open-source competitors. Any proposal that allows licensing fees or non-disclosure agreements for APIs, protocol, and file formats effectively kills open source.

APIs, protocols, and file formats are the roads of the software world. No one must pay anything to know how to build something that works on a road (the analogy is weak, but please bear with me). Much like roads tie places and transport into one unified system, APIs, protocols, and file formats should tie software, computers, and networks into a unified system. If one company owned the transportation infrastructure, it would by default have a huge competative advantage. It could do special things to the roads and offer its own brand of cars that worked much better than its competitors cars. It could deny access to competitors roads. Much like cable and phone companies, the government would be expected to manage such a company. But the government "owns" the roads, and it would really be unthinkable to place this critical infrastructure in the hands of a private company.

Yet the APIs, protocols, and file formats that the vast majority of computer users use is owned by one company and kept private. In my opinion, the greatest thing that would improve competition in the marketplace would be to require all Microsoft's APIs, protocols, and file formats to be made public. This would allow competing vendors to build compatible products that interworked well. Microsoft may complain that this is not fair, and perhaps it is not. But Microsoft has been found guilty in court, fairness is not required in the settlement. Instead, we need a settlement that actually solves the problem.

The settlement also does not address Microsoft Office, which has an even larger market share the Windows. The file formats of Office should be opened as well.

Any large business with a lot of smart people working for it will twist anything they can to their advantage. Any proposal from Microsoft must be looked at in that light. Do not allow Microsoft to be able to set any standards for who it allows access to anything. Allowing Microsoft to decide anything gives them a competitive advantage. Make access to the information public, or at least let some independent third party decide.

I am not anti-Microsoft. I want them to continue to make products and compete. But I want others to be able to compete as well. Please make this possible.

Thank you for your consideration,

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